

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

ROBERT DAVIS	§	
VS.	§	CIVIL ACTION NO. 9:22cv21
ANITA LINDLEY, ET AL.	§	

MEMORANDUM ORDER PARTIALLY ADOPTING THE  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Robert Davis, an inmate at the Polunsky Unit, proceeding *pro se*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing this action without prejudice.

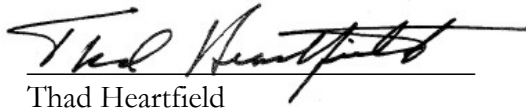
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

On July 28, 2022, Plaintiff filed a Notice of Voluntary Dismissal in which he states he no longer wishes to pursue this lawsuit. Plaintiff is entitled to dismiss this action pursuant to Rule 41(a) because the defendants have filed neither an answer nor a motion for summary judgment. *See* FED. R. CIV. P. 41(a)(1)(i). Therefore, the Report will be adopted to the extent it recommends dismissal. The dismissal will be without prejudice.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the Report of the magistrate judge is **ADOPTED** to the extent it recommended dismissal. A Final Judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED** this the **9** day of **August, 2022**.

  
Thad Heartfield  
United States District Judge